

REMARKS

Claims 21–59 are pending and under consideration. With this Amendment, Applicants amend claims 21, 25–30, 34, 35, 39–42, 44, and 45. Applicants additionally cancel claims 24 and 36–38 and respectfully reserve the right to prosecute the subject matter therein in one or more continuation, divisional, or reissue applications.

Telephonic Interviews

Applicants kindly thank the Examiner for courtesies extended to Applicants' representatives, Nikolaos George, and the under-signed, on November 17, and 18, 2003. In particular the Examiner is thanked for discussing with Applicants' representatives the reasoning behind the remarks presented in her Advisory Action, mailed October 30, 2003, and for pointing out aspects of the claims that, once addressed, and pending a further search and examination, would bring the claims closer to condition for allowance.

Amendments to the Claims

Applicants have amended claims 21, 25–30, 34, 35, 39–42, 44, and 45, herein. Claim 21 has been amended to incorporate a limitation previously presented in claim 24, and also to add "treated or" to the last step of the claim, thereby providing a link to the preamble. Claims 25–27 have been amended to depend from claim 21, and not claim 24 which has been cancelled herein. Accordingly the amendment to claims 21 and 25–27 present no new matter.

Claims 28, 29, 34 and 35 have been amended to change a grammatical error in the recited ranges, wherein "to" is changed to "and".

Claim 30 has been amended, at the Examiner's suggestion, to add "treated or" to the last step of the claim, thereby providing a link to the preamble.

Claims 39–42, 44 and 45 have been amended to delete the term "smaller", thereby more particularly reciting that which Applicant considers to be the invention. Claim 44 has also been amended, to add the limitation that doses of 10 mg are applicable when 4 daily doses are administered, thus remaining consistent with a daily dosage of about 40 mg/day or more, as recited in claims 21 and 30.

Accordingly no new matter has been introduced by the amendments presented herein and entry thereof is respectfully requested.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that the subject application is in good and proper order for allowance. Withdrawal of the Examiner's rejections and early notification to this effect are earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (212) 790-9090.

No fees in addition to the extension fee are believed due in connection with this response. However, the Commissioner is authorized to charge all required fees, or credit any overpayment, to Pennie & Edmonds LLP U.S. Deposit Account No. 16-1150 (ref. 7960-131).

Respectfully submitted,

Date: December 5, 2003

Richard G. A. Bone
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Limited Recognition Under 37 C.F.R. § 10.9(b)
(Copy of Certificate attached hereto)

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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on December 5, 2003 to facsimile telephone number 703-308-4242.

Richard G. A. Bone
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December 5, 2003
Date